

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

FILED

DEC 09 2019

Clerk, U S District Court
District Of Montana
Billings

DAVID MICHAEL FARBER,

Plaintiff,

vs.

**BILLINGS POLICE
DEPARTMENT OFFICER
ADAMS,**

Defendant.

CV 18-113-BLG-SPW

**ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND
RECOMMENDATIONS**

The United States Magistrate Judge filed Findings and Recommendations on November 18, 2019. (Doc. 21.) The Magistrate recommended the Court dismiss the action based on Plaintiff David Michael Farber's failure to comply with the Magistrate's orders and prosecute the action. (Doc. 21 at 4.)

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation, with an additional 3 days added here because Mr. Farber was served by mail. Fed. R. Civ. P. 6(d). No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm


conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error. Mr. Farber failed to comply with the Magistrate’s orders, and he has failed to prosecute this case.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 21) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED:

1. This matter is **DISMISSED** pursuant to Fed. R. Civ. P. 41(b).
2. The Clerk of Court shall close this matter and enter judgment in favor of the Defendant pursuant to Fed. R. Civ. P. 58.
3. Pursuant to Fed. R. App. P. 24(a)(3)(A), the Clerk of Court shall have the docket reflect that any appeal of this decision would not be taken in good faith.

DATED this 9th day of December, 2019.


SUSAN P. WATTERS
United States District Judge